



U. S. Department of Justice

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January 7, 2009

Honorable Hugh Lawson
Chief United States District Judge
William A. Bootle Federal Building and U.S. Courthouse
Post Office Box 128
Macon, Georgia 31202

RE: *United States of America ex rel. Sanders and Lester v. Kindred
Healthcare, Inc. d/b/a Warner Robins Rehabilitation and Nursing Center,
et al.* Case No. 5:05-cv0380 (M.D. Ga.)

Dear Chief Judge Lawson:

I am the Assistant United States Attorney, for the Middle District of Georgia assigned the responsibility for monitoring the above-referenced litigation. It has come to the attention of the United States that this *qui tam* case was dismissed by Order dated January 5, 2009. Counsel for the relators previously notified counsel for the United States that the relators have reached a tentative settlement with the defendants. However, at this time, a final settlement agreement has not been entered into, nor has the United States had an opportunity to review the terms of the tentative settlement.

The United States respectfully directs the Court's attention to the False Claims Act, 31 U.S.C. § 3730(b)(1), which provides that a *qui tam* action by a relator "may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Because the parties have not reached a final settlement of the matter, the United States has not had an opportunity to consider whether it should consent to the dismissal. As such, we respectfully request that the Court vacate the January 5, 2009 Order of dismissal.

Sincerely,

s/H. Randolph Aderhold
Assistant United States Attorney

cc via electronic mail:

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